

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 11-22 (As Amended)

Introduced by Council President Boniface at the request of the County Executive
Legislative Day No. 11-14 Date May 10, 2011

AN ACT to repeal and reenact, with amendments, Section 95-1, Legislative findings; to repeal and reenact, with amendments, Subsection A of Section 95-2, Intent; to repeal and reenact, with amendments, the definition of "discrimination", and to add new definition "familial status" to Section 95-3, Definitions; to repeal and reenact, with amendments, Subsection B(1) of Section 95-4, Unlawful housing and financing practices; and to repeal and reenact, with amendments, Subsection D(2) of Section 95-5, Unlawful employment practices, all of Chapter 95, Discriminatory Practices, of the Harford County Code, as amended; to provide that an individual or individuals shall not be discriminated against due to familial status; to provide that any employer, employment agency, labor organization or joint labor-management committee shall not be required to grant preferential treatment to any individual or group because of familial status; and generally relating to discriminatory practices.

By the Council, May 10, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: June 14, 2011

at: 7:00 P.M.

By Order: Mary Kate Flaherty, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 14, 2011, and concluded on June 14, 2011.

Mary Kate Flaherty Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 11-22
As Amended

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 95-1, Legislative findings, be, and it is hereby, repealed and reenacted, with amendments; that Subsection A of Section 95-2, Intent, be, and it is hereby, repealed and reenacted, with amendments; that the definition of “discrimination” be, and it is hereby, repealed and reenacted, with amendments, and new definition “familial status” be, and it is hereby, added to Section 95-3, Definitions; that Subsection B(1) of Section 95-4, Unlawful housing and financing practices, be, and it is hereby, repealed and reenacted, with amendments; and that Subsection D(2) of Section 95-5, Unlawful employment practices, be, and it is hereby, repealed and reenacted, with amendments, all of Chapter 95, Discriminatory Practices, of the Harford County Code, as amended, and all to read as follows:

Chapter 95. Discriminatory Practices

§ 95-1. Legislative findings.

The population of the county consists of persons of all age groups, both sexes and many races, colors, religions, ancestries, national origins, varied appearances and varied disabilities, all of whom should be free to exercise and enjoy all civil and constitutional rights, be assured equal protection of the law, equal treatment and fair treatment of the law and due process of the law with respect to education, housing, administration of justice, employment, public accommodations, government services and other related fields as situations may require, without interference and without discrimination because of race, creed, color, sex, national origin, ancestry, age, occupation, marital status, political opinion, personal appearance, [or] mental or physical disability OR FAMILIAL STATUS. The denial of these rights, privileges or freedoms endangers the rights of all citizens, intensifies group conflict, undermines the basic premises of a free society under democracy, adversely affects the general welfare of the entire community and reduces its productive capacity.

§ 95-2. Intent.

A. It shall be the function of the county government to foster and encourage the growth and development of the county in a manner that will ensure that all persons shall have an equal opportunity to pursue their lives free of discrimination imposed because of race, creed, color, sex, national origin, age, occupation, marital status, political opinion, personal appearance, [or] mental or physical disability OR FAMILIAL STATUS. Discriminatory practices based upon the foregoing criteria are hereby declared contrary to the public policy of the county.

§ 95-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DISCRIMINATION -- Acting or failing to act or unduly delaying any action regarding any person because of race, creed, color, sex, NATIONAL origin, age (except as required by state or federal law), occupation, marital status, political opinion, personal appearance, [or] physical or mental handicap OR FAMILIAL STATUS in a way that adversely affects or interferes with such person's civil and constitutional rights, equal and fair treatment, due process in the areas of housing, employment, administration of justice, county services, education, public accommodations or other such related areas.

FAMILIAL STATUS -- ONE OR MORE INDIVIDUALS, WHO HAVE NOT ATTAINED THE AGE OF 18 YEARS, BEING DOMICILED WITH:

- (1) A PARENT OR ANOTHER PERSON HAVING LEGAL CUSTODY OF SUCH INDIVIDUAL OR INDIVIDUALS; OR
- (2) THE DESIGNEE OF SUCH PARENT OR OTHER PERSON HAVING SUCH CUSTODY, WITH THE WRITTEN PERMISSION OF SUCH PARENT OR OTHER

PERSON.

THE PROTECTIONS AFFORDED AGAINST DISCRIMINATION ON THE BASIS OF
FAMILIAL STATUS SHALL APPLY TO ANY PERSON WHO IS PREGNANT OR IS IN
THE PROCESS OF SECURING LEGAL CUSTODY OF ANY INDIVIDUAL WHO HAS
NOT ATTAINED THE AGE OF 18 YEARS.

§ 95-4. Unlawful housing and financing practices.

B. Discriminatory practices involving sale or advertising of property, inducements to purchase,
etc. It shall further be an unlawful discriminatory housing practice:

(1) For any person, whether or not acting for monetary gain, knowingly to induce or
attempt to induce another person to transfer an interest in real property or to discourage
another person from purchasing real property by representations regarding the existing
or potential proximity of real property owned, used or occupied by persons of any
particular race, color, religion, national origin, sex, age, personal appearance, political
opinion, physical or mental handicap, [or] marital status OR FAMILIAL STATUS or to
represent that such existing or potential proximity will or may result in:

(a) The lowering of property values.

(b) A change in the racial, religious or ethnic character of the block, neighborhood
or area in which the property is located.

(c) An increase in criminal or antisocial behavior in the area.

(d) A decline in quality of the schools serving the area.

§ 95-5. Unlawful employment practices.

D. It shall be an unlawful employment practice for an employer to discriminate against any of his

1 employees or applicants for employment, for an employment agency to discriminate against any
2 person or for a labor organization to discriminate against any member thereof or applicant for
3 membership because he has opposed any practice made an unlawful employment practice by
4 this section or because he has made a charge or testified, assisted or participated in any manner
5 in an investigation, proceeding or hearing under this section.

6 (2) Nothing contained in this section shall be interpreted to require any employer,
7 employment agency, labor organization or joint labor-management committee subject
8 to this section to grant preferential treatment to any individual or to any group because
9 of the race, color, religion, sex, age, national origin, occupation, personal appearance,
10 political opinion, marital status, physical or mental handicap OR FAMILIAL STATUS
11 of such person or group on account of an imbalance which may exist with respect to the
12 total number or percentage of persons of any race, color, religion, sex, age, national
13 origin, occupation, personal appearance, political opinion, marital status, [or] physical
14 or mental handicap OR FAMILIAL STATUS employed by an employer, referred or
15 classified for employment by an employment agency or labor organization, admitted to
16 membership or classified by a labor organization or admitted to or employed in any
17 apprenticeship or other training program in comparison with the total number or
18 percentage of persons of such race, color, religion, sex, age, national origin, occupation,
19 personal appearance, political opinion, marital status, [or] physical or mental handicap
20 OR FAMILIAL STATUS.

21 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
22 it becomes law.

BILL NO. 11-22
As Amended

EFFECTIVE: August 22, 2011

*The Acting Council Administrator does hereby certify
that fifteen (15) copies of this Bill are immediately available
for distribution to the public and the press.*

Acting Council Administrator

HARFORD COUNTY BILL NO. 11-22 As Amended

Brief Title Discriminatory Practices – Familial Status

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mary Kate Herbig
Acting Council Administrator

Date June 14, 2011

ENROLLED

Bill D. Boin
Council President

Date June 14, 2011

BY THE COUNCIL

Read the third time.

Passed: LSD 11-17

Failed of Passage: _____

By Order

Mary Kate Herbig
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 15th day of June, 2011 at 3:00 p.m.



Mary Kate Herbig
Acting Council Administrator

BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date June 21, 2011

BY THE COUNCIL

This Bill No. 11-22 As Amended having been approved by the Executive and returned to the Council, becomes law on June 21, 2011.

EFFECTIVE DATE: August 22, 2011

Mary Kate Herbig
Mary Kate Herbig
Acting Council Administrator